

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3281. Misbranding of diethylstilbestrol tablets, sulfadiazine tablets, and Dexedrine Sulfate tablets. U. S. v. Clifford H. McDaniel (City Drug Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 29419. Sample Nos. 27080-K, 61049-K, 61644-K.)

INFORMATION FILED: June 7, 1950, Western District of Kentucky, against Clifford H. McDaniel, trading as the City Drug Co., Fulton, Ky.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania, into the State of Kentucky, of quantities of *diethylstilbestrol tablets*, *sulfadiazine tablets*, and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about September 13, 28, and 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1); the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (e) (1), the repackaged *sulfadiazine tablets* and *Dexedrine Sulfate tablets* failed to bear labels containing the common or usual name of the drugs; and, Section 502 (f) (2), the labeling of the *sulfadiazine tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: October 23, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$150.

3282. Misbranding of diethylstilbestrol tablets, Dexedrine Sulfate tablets, Benzedrine Sulfate tablets, sulfadiazine tablets, and thyroid tablets. U. S. v. Albert G. Wilson, Frank J. Kolb, Jr., and Thomas P. Turnbow. Pleas of nolo contendere. Fines of \$100 against defendant Wilson, \$100 against defendant Kolb, and \$50 against defendant Turnbow. (F. D. C. No. 29426. Sample Nos. 27072-K, 61047-K, 61728-K to 61730-K, incl.)

INFORMATION FILED: June 28, 1950, Western District of Kentucky, against Albert G. Wilson, a partner in the partnership of Wilson & Little Pharmacy, Mayfield, Ky., and against Frank J. Kolb, Jr., and Thomas P. Turnbow, pharmacists for the partnership.

INTERSTATE SHIPMENT: From the States of Indiana, Pennsylvania, and Missouri, into the State of Kentucky, of quantities of *diethylstilbestrol tablets*, *Dexedrine Sulfate tablets*, *Benzedrine Sulfate tablets*, *sulfadiazine tablets*, and *thyroid tablets*.

ALLEGED VIOLATION: While the drugs were being held for sale after shipment in interstate commerce, defendant Wilson caused various quantities of the *diethylstilbestrol tablets* and *Dexedrine Sulfate tablets* to be repacked and sold without a prescription on or about September 28, 1949; defendant Kolb caused various quantities of the *Benzedrine Sulfate tablets* and *sulfadiazine tablets* to be repacked and sold without a prescription on or about September